UNITED STATES PATENT AND TRADEMARK OFFICE

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09/826,147	04/05/2001	James Andrew Mutton	PLAYS0012	3992

7590 03/30/2007 Joerg-Uwe Szipl Griffin & Szipl, P.C. Suite PH-1 2300 Ninth Street, South Arlington, VA 22204-2320	**EXAMINER** SCUDERI, PHILIP S

ART UNIT	PAPER NUMBER
2153	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	09/826,147	MUTTON ET AL.
	Examiner	Art Unit	
	Philip S. Scuderi	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>13 March 2007</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-76</u> is/are pending in the application.

    4a) Of the above claim(s) <u>16,32,37 and 55</u> is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-15,17-31,33-36,38-54 and 56-76</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

I.   Claim Objections

The claim objections have been withdrawn because applicant's amendments have overcome the objections.

II.   35 U.S.C. § 112

The majority of the § 112, second paragraph rejections set forth in the last office action have been overcome by applicant's amendments and have therefore been withdrawn. However, claims 51, 70, and 73 still comprise limitations that render the scope of these claims unclear and therefore stand rejected. See the § 112, second paragraph rejections presented below.

III.   35 U.S.C. § 101

Applicant's arguments filed on 13 March 2007 in regards to the § 101 rejections have been fully considered and are persuasive enough to overcome the § 101 rejections.

1.   Applicant argues that claims 72, 74, and 76 are directed to a system in which a carrier wave is transmitted which is allegedly patentable subject matter. However, these claims are directed to code stored on computer readable memory, which constitutes a "manufacture" within the meaning of § 101. The "system for distributing ... information" is merely an intended use of the claimed program code.

2.   Applicant argues that claims 72, 74, and 76 are directed to code stored on a computer

readable memory, which is allegedly patentable subject matter as per MPEP § 2106.01. The

examiner agrees and for this reason has withdrawn the § 101 rejections.

IV.   35 U.S.C. §§ 102-103

        Applicant's arguments filed on 13 March 2007 in regards to the §§ 102-103 rejections have

been fully considered, but they are not persuasive.

1.   Applicant argues that Hans (U.S. Pub. No. 2002/0120577) does not teach a "linking server"

that "enables a plurality of formats to stream without having to deploy one or more reference files"

because one of ordinary skill in the art would allegedly realize that Hans's servers deploy one or

more reference files to enable streaming of digital content for a plurality of formats.

        The claimed "linking server" corresponds to the content manager (11) taught by Hans.

Hans at fig. 3. The content manager (11) enables a plurality of formats (MP3, WMV, etc.) to stream

from content providers (16) by enabling a user to access digital content stored on a remote content

provider server (16), wherein the remote content provider (16) converts the content to a user-

specified format according to a format designation received from the content manager (11). Hans at

figs. 3, 5; paragraphs [0022], [0027], [0029].

        The examiner fails to see how content manager (11) enabling a user to access digital content

stored on a remote content provider (16), wherein the remote content provider (16) converts the

content to a user-specified format according to a format designation received from the content

manager (11) requires the content manager (11) to deploy one or more reference files.

Applicant apparently believes that reference files are inherent within Hans' content manager (11), but does not provide a supporting rationale other than that Hans' servers are "conventional servers", which is clearly inadequate to establish a prima facie case of inherency. Even assuming that reference files were required somewhere in Hans' system the examiner sees no reason that such reference files could not be located at the content providers (16) rather than at the content manager (11).

Moreover, even assuming for the sake of argument that Hans' content manager (11) was required to "deploy one or more reference files" this feature would be obvious within the meaning of § 103. Deploying reference files is a known manual process. See, e.g., Specification at 17 (developers create and manage reference files manually). So, removing the need to "deploy one or more reference files" is merely providing an automatic means to replace a manual activity, which accomplishes the same result. Providing an automatic means to replace a manual activity, which accomplishes the same result, is insufficient to distinguish over prior art. MPEP § 2144.04(III).

2.   Applicant argues that the remaining prior art references applied to the claims do not teach a "linking server" that "enables a plurality of formats to stream without having to deploy one or more reference files." This argument is moot because this feature is taught or at least is obvious over Hans (U.S. Pub. No. 2002/0120577) as detailed above.

3.   Applicant traversed a statement of official notice taken in the last office action because the examiner did not provide documentary evidence that Microsoft ASP and VBScript provided known advantages that would render the claims obvious within the meaning of § 103.

The examiner has provided documentary evidence to support the statement of official

notice. ASP You Can Grasp: The ABCs of Active Server Pages recites on page 1:

> "Active Server Pages is an open, compile-free application environment in which you can
> combine HTML, scripts, and reusable ActiveX server components to create dynamic and
> powerful Web-based business solutions. Active Server Pages enables server side scripting for
> IIS with native support for both VBScript and Jscript."

The ability to create dynamic and powerful Web-based business solutions is adequate

motivation to establish a prima facie case of obviousness.

4.   Applicant traversed a statement of official notice taken in the last office action because the

examiner did not provide documentary evidence that (a) Windows Media™, (b) RealNetworks™,

and (c) QuickTime™ formats provided known advantages that would render the claims obvious

within the meaning of § 103.

a.   In regards to the Windows Media format, the Hans reference (U.S. Pub. No. 2002/0120577)

actually expressly discloses use of this format, so the statement of official is withdrawn in regards to

that format. Hans at paragraph [0022] (WMA format).

b.   In regards to RealNetworks™ format, Video Streams into the Mainstream by George

Lawton, published in July 2000, states on page 13:

> "An advantage of RealVideo is that content providers can encode files so that clients can
> access them at different speeds."

Enabling clients to access files at different speeds is adequate motivation to establish a prima

facie case of obviousness.

c.   In regards to the QuickTime™ format, QuickTime 3: Product Description and

Specifications, last modified on 06 August 1999, states on page 1:

"The QuickTime movie file format enables seamless exchange of digital media between nearly all digital media tools. QuickTime movie files are used in a wide range of situations ranging from professional video editing stations from Scitex and Media 100 to over half of the video found on the internet."

Enabling seamless exchange of digital media between nearly all digital media tools is adequate motivation to establish a prima facie case of obviousness.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1); MPEP § 608.01(o).

Claims 72, 74, and 76 recite the term "computer readable memory", which lacks proper antecedent basis in the specification. Appropriate correction is required.

Applicant is reminded that no amendment to the specification shall introduce new matter into the disclosure of the invention. 35 U.S.C. § 132(a).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 72, 74, and 76 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 72, 74, and 76 are directed to a "computer readable memory" having code for generating a request, directing receipt by a linking server, etc. Such a computer readable memory was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 51-66, 70, and 73 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 51 recites "generating at least one web page and an electronic mail message", which appears to indicate that the claim requires a generating a web page and a generating a separate electronic mail message. However, the claim appears to contradict itself because it also recites "distributing said at least one web page and electronic mail message ...", which appears to indicate that the web page and the electronic mail message are one in the same. The metes and bound of the claim are therefore unclear. Because the specification does not appear to support the web page and the electronic mail message being the same message, the examiner's best understanding is that the claim requires only one of these messages. The examiner will treat the claim on the merits as best understood.

Claim 70 has substantially the same problems as claim 51 discussed immediately above and stands rejected for substantially the same reasons. The examiner will treat the claim on the merits as best understood.

Claim 51 recites "generating other requests to satisfy the at least one of information and information services requested." It remains unclear what it would mean to "satisfy" "information" or "information services." Based upon applicant's amendment it appears that applicant meant for the "satisfying" to refer to the "requests." So, the examiner's best understanding is that the limitation should have read "generating other requests to satisfy <u>the request for</u> at least one of information and information services." The examiner will treat the claim on the merits as best understood.

Claim 73 has substantially the same problems as claim 51 discussed immediately above and stands rejected for substantially the same reasons. The examiner will treat the claim on the merits as best understood.

Claim Rejections - 35 USC §§ 102-103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. §§ 102-103 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 4-15, 33-36, 38, 40-50, 67, 68, and 71-76 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hans (U.S. Pub. No. 2002/0120577).

Regarding claim 1, Hans teaches a system for delivering streaming multi-media content over the Internet (see figures 3 and 5, where the users access digital content stored on a remote content provider server) comprising:

at least one client workstation (user node 12), responsively interfaced to the Internet wherein link encoded web pages are displayed and said at least one client workstation enabling a user to select a link resulting in the transmission of a request over the Internet for receiving the multi-media content, said link specifying the multi-media content and format associated therewith (paragraph [0026] where the user selects the digital content using a web browser; paragraph [0022], where user requests are for particular digital content that can be requested in different formats);

at least one linking server (content manager 11) hosting at least one link conversion process, wherein the linking server enables a plurality of formats (MP3, WMA, etc.) to stream without having to deploy one or more reference files and receives the request for the multi-media content from said at least one client workstation (user node 12), the request comprising specification of the multi-media content in a web page embedding, said at least one linking server (content manager 11) generating another request to stream the multi-media content to said at least one client workstation (user node 12), said another request automatically formatted or preformatted to be in conformity at least with the format of the multi-media content via said at least one link conversion process (see paragraph [0029], where the access manager on content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format); and

at least one streaming multi-media server (content provider 16) storing the multi-media content, and responsive to the another request received from said at least one linking server (content manager 11) delivering the multi-media content over the Internet to said at least one client workstation (user node 12) (paragraph [0029], where the access manager on content manager 11

authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format).

Even if there were some reason that is currently unknown to the examiner that Hans' content manager (11) was required to "deploy one or more reference files" this feature would be obvious within the meaning of § 103. Deploying reference files is a known manual process. See, e.g., Specification at 17 (developers create and manage reference files manually). So, removing the need to "deploy one or more reference files" is merely providing an automatic means to replace a manual activity, which accomplishes the same result. Providing an automatic means to replace a manual activity, which accomplishes the same result, is insufficient to distinguish over prior art. MPEP § 2144.04(III).

Regarding claim 2, Hans teaches the system of claim 1, wherein said link specifying the multi-media content and format associated therewith further includes specification of said at least one linking server for pre-processing the request (paragraph [0026]).

Regarding claim 4, Hans teaches the system of claim 1, wherein said request does not expressly specify a communications port of said at least one linking server (paragraph [0026]).

Regarding claim 5, Hans teaches the system of claim 1, wherein said at least one linking server (content manager 11) includes a database for recording each said request (paragraph [0027]).

Regarding claim 6, Hans teaches the system of claim 1, wherein the linking server (content manager 11) processes said request only if the requesting client pays for the requested multi-media content (paragraph [0029]).

Regarding claim 7, Hans teaches the system of claim 1, wherein the linking server processes said request only if the requesting client is authorized to receive the requested multi-media content (paragraph [0029]).

Regarding claim 8, Hans teaches the system of claim 1, wherein the linking server hosts said conversion process for requests for multi-media content in a plurality of formats including MP3 and MPEG formats (paragraph [0022]).

Regarding claim 9, Hans teaches the system of claim 1, wherein said web pages are hosted on a web server, wherein said web server only serves requests for content consisting of web pages (paragraph [0026]).

Regarding claim 10, Hans teaches the system of claim 1, wherein the multi-media content is a MPEG or MP3 clip (paragraph [0022]).

Regarding claim 11, Hans teaches the system of claim 1, wherein said link specifying the multi-media content and the format associated therewith specifies one of a plurality of different formats (paragraph [0022]).

Regarding claim 12, Hans teaches the system of claim 1, but does not expressly disclose all the particular aspects of the server software running on the content manager (paragraph [0026]). Hans does not teach that the server software utilizes Microsoft ASP and VBScript. However, it was common knowledge in the art that Microsoft ASP and VBScript were well-known technologies used for hosting websites and they provided advantages the ability to create dynamic and powerful Web-based business solutions. It would have been obvious to one of ordinary skill in the art to use these technologies in the instant case for the same reasons.

Regarding claim 13, Hans teaches the system of claim 1, wherein the at least one link conversion process is a plurality of link conversion processes (paragraph [0029]).

Regarding claim 14, Hans teaches the system of claim 1, wherein the at least one linking server (content manager 11) is such that a single server hosts a plurality of said at least one link

conversion processes and said single server processes requests for a plurality of media formats

corresponding to each said link conversion process (paragraph [0029]).

Regarding claim 15, the claim is rejected for substantially the same reasons as claim 1.

Regarding claim 33, the claim is rejected for substantially the same reasons as claim 1.

Regarding claim 34, Hans teaches the system of claim 33, wherein the computer network is

the Internet (paragraph [0026]).

Regarding claim 35, Hans teaches the system of claim 33, wherein the at least one

information and information services is multi-media content (paragraph [0022]).

Regarding claim 35, Hans teaches the system of claim 33, wherein the at least one

information and information services is media content (paragraph [0022]).

Regarding claim 38, Hans teaches the system of claim 33, wherein said link specifying the at

least one of information and information services and the format associated therewith further

includes specification of said at least one connection processor for pre-processing the request

(paragraph [0026]).

Regarding claim 40, Hans teaches the system of claim 33, wherein said request does not

expressly specify a communications port (paragraph [0026]).

Regarding claim 41, Hans teaches the system of claim 33, wherein said at least one

connection processor includes a database for recording each said request (paragraph [0027]).

Regarding claim 42, Hans teaches the system of claim 33, wherein said at least one

connection processor processes said request only if the requesting client pays for the requested at

least one of information and information services (paragraph [0029]).

Regarding claim 43, Hans teaches the system of claim 33, wherein said at least one

connection processor processes said request only if the requesting client is authorized to receive the

requested at least one of information and information services (paragraph [0029]).

Regarding claim 44, Hans teaches the system of claim 33, wherein the connection processor

(content manager 11) hosts the conversion process for requests for at least one of information and

information services in a plurality of formats including MP3, MPEG, and Windows Media formats

(paragraph [0022]). Hans does not expressly state that the information and information services can

be in RealNetworks™ or QuickTime™ formats. However, these formats were well known to one of

ordinary skill in the art and would have been obvious to use here because RealNetworks formats

provide access to files at different speeds and QuickTime formats provide seamless exchange of

digital media between nearly all digital media tools.

Regarding claim 45, Hans teaches the system of claim 33, wherein said web pages are hosted

on a web server, wherein said web server only serves requests for content consisting of web pages

(paragraph [0026]).

Regarding claim 46, Hans teaches the system of claim 33, wherein the at least one of

information and information services is a MPEG or MP3 clip (paragraph [0022]).

Regarding claim 47, Hans teaches the system of claim 1, wherein said link specifying the

multi-media content and the format associated therewith specifies one of a plurality of different

formats (paragraph [0022]).

Regarding claim 48, the claim is rejected using the same rationale as claim 12.

Regarding claim 49, Hans teaches the system of claim 33, wherein the at least one link

conversion process is a plurality of link conversion processes (paragraph [0029]).

Regarding claim 50, Hans teaches the system of claim 33, wherein the at least one linking server is such that a single server hosts a plurality of said at least one link conversion processes and said single server processes requests for a plurality of media formats corresponding to each said link conversion process (paragraph [0029]).

Regarding claim 67, Hans teaches a system for distributing website specification including at least one web page providing at least one of information and information services over a computer network (figures 3 and 5, where the users access digital content stored on a remote content provider server), the system comprising:

a web server (content manager 11) responsively connected to the computer network, said web server for hosting the website (paragraph [0026]);

a web development workstation (user node 12) for specifying the at least one web page of the website, said web development workstation responsively connected to the computer network (paragraph [0026]);

a computer process hosted on the web development workstation for constructing at least one link specifying a connection processor (paragraph [0026], where the user selects the digital content using a web browser);

another computer process hosted on the web development workstation for embedding the at least one link into the at least one web page (paragraph [0026], the web page must have a link because the user makes selections);

a network interface for sending the at least one web page from the web development workstation to the web server (paragraph [0026]);

a client workstation (user node 12) responsively connected to the computer network wherein the client workstation originates at least one request for the at least one web page and at least one

request for at least one of information and information services by specifying a selection, said

selection resulting in the transmission of the at least one link over the computer network (paragraph

[0026] where the user selects the digital content using a web browser; paragraph [0022], where user

requests are for particular digital content that can be requested in different formats);

'another computer process hosted on the connection processor, receiving the at least one link

and converting said at least one link to an other at least one of information and information services

request, said request wherein the connection processor is a linking server enabling a plurality of

formats to stream without having to deploy one or more reference files, and said request specifies at

least one media server (paragraph [0029], where the access manager on content manager 11

authorizes the content provider to transmit stream the digital content to user node 12 in the user-

specified format); and

a network interface for transmitting the other at least one of information and information

services request to the media server (figure 3).

Even if there were some reason that is currently unknown to the examiner that Hans'

content manager (11) was required to "deploy one or more reference files" this feature would be

obvious within the meaning of § 103. Deploying reference files is a known manual process. See,

e.g., Specification at 17 (developers create and manage reference files manually). So, removing the

need to "deploy one or more reference files" is merely providing an automatic means to replace a

manual activity, which accomplishes the same result. Providing an automatic means to replace a

manual activity, which accomplishes the same result, is insufficient to distinguish over prior art.

MPEP § 2144.04(III).

Regarding claim 68, Hans teaches a system for optimizing the distribution of at least one of

information and information services over a computer network (figures 3 and 5, where the users

access digital content stored on a remote content provider server) comprising:

applying a computer process (the process of receiving the request and contacting the content

provider) to a specification of display formats (video formats) for at least one of information and

information services (digital content) resulting in the generation of a link comprising the

specification of the display options and a reference to the connection processor (content manager

11) (paragraph [0026] where the user selects the digital content using a web browser; paragraph

[0022], where user requests are for particular digital content that can be requested in different

formats; paragraph [0029], where the access manager on content manager 11 authorizes the content

provider to transmit stream the digital content to user node 12 in the user-specified format);

embedding said link into the website (paragraph [0026]);

distributing the link embedded in the website to at least one client workstation (user node

12) (paragraph [0026]);

receiving the link by the connection processor resulting from the request for at least one of

information and information services generated by the at least one client workstation, wherein the

connection processor is a linking server enabling a plurality of formats to stream without having to

deploy one or more reference files (paragraph [0026]); and

applying a computer process hosted on the connection processor (content manager 11) to

convert the specification of display formats (video formats) for the connection processor into an

other request for at least one server (content provider node 16) to satisfy the request for at least one

of information and information services (paragraph [0029], where the access manager on content

manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in

the user-specified format).

Even if there were some reason that is currently unknown to the examiner that Hans'

content manager (11) was required to "deploy one or more reference files" this feature would be

obvious within the meaning of § 103. Deploying reference files is a known manual process. See,

e.g., Specification at 17 (developers create and manage reference files manually). So, removing the

need to "deploy one or more reference files" is merely providing an automatic means to replace a

manual activity, which accomplishes the same result. Providing an automatic means to replace a

manual activity, which accomplishes the same result, is insufficient to distinguish over prior art.

MPEP § 2144.04(III).

Regarding claim 71, Hans teaches in a system for distributing at least one of information and

information services over a computer network wherein multi-media content is uploaded to at least

one multi-media content server, a method (figures 3 and 5, where the users access digital content

stored on a remote content provider server) comprising the steps of:

generating a request for the multi-media content including at least one link specifying at least

one linking server inserted in at least one web page, responsive to a user request, said at least one

web page to be distributed to at least one client workstation over the Internet, wherein the linking

server enables a plurality of formats to stream without having to deploy one or more reference files

(paragraph [0026] where the user selects the digital content using a web browser);

receiving by the at least one linking server the request from the at least one client

workstation for the multi-media content via the at least one link (paragraph [0026]); and

generating another request by the at least one linking server to stream the multi-media

content to said at least one client workstation, said another request automatically formatted to be in

conformity at least with the format of the multi-media content (paragraph [0029], where the access

manager on content manager 11 authorizes the content provider to transmit stream the digital

content to user node 12 in the user-specified format).

Even if there were some reason that is currently unknown to the examiner that Hans'

content manager (11) was required to "deploy one or more reference files" this feature would be

obvious within the meaning of § 103. Deploying reference files is a known manual process. See,

e.g., Specification at 17 (developers create and manage reference files manually). So, removing the

need to "deploy one or more reference files" is merely providing an automatic means to replace a

manual activity, which accomplishes the same result. Providing an automatic means to replace a

manual activity, which accomplishes the same result, is insufficient to distinguish over prior art.

MPEP § 2144.04(III).

Regarding claim 72, the claim is rejected for substantially the same reasons as claim 71.

Regarding claim 73, Hans teaches in a system for distributing at least one of information and

information services over a computer network wherein multi-media content is uploaded to at least

one content server, a method (figures 3 and 5, where the users access digital content stored on a

remote content provider server) comprising the steps of:

generating a web page, wherein the web page, responsive to a user request, contains at least

one link specifying a connection processor (content manager 11), said web page to be distributed to

at least one client workstation over the computer network (paragraph [0026] where the user selects

the digital content using a web browser);

receiving by the connection processor (content manager 11) over the computer network a

request for at least one of information and information services, wherein the connection processor

receives the request for the at least one of information and information services and the connection

processor is a linking server enabling a plurality of formats to stream without having to deploy one

or more reference files (paragraph [0026] where the user selects the digital content using a web

browser),

identifying by the connection processor (content manager 11) the at least one of information

and information services requested and generating other request to satisfy the at least one of

information and information services (paragraph [0029], where the access manager on content

manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in

the user-specified format); and

transmitting said generated other requests over the computer network to at least one of

information and information services server (paragraph [0029], where the access manager on

content manager 11 authorizes the content provider to transmit stream the digital content to user

node 12 in the user-specified format).

Even if there were some reason that is currently unknown to the examiner that Hans'

content manager (11) was required to "deploy one or more reference files" this feature would be

obvious within the meaning of § 103. Deploying reference files is a known manual process. See,

e.g., Specification at 17 (developers create and manage reference files manually). So, removing the

need to "deploy one or more reference files" is merely providing an automatic means to replace a

manual activity, which accomplishes the same result. Providing an automatic means to replace a

manual activity, which accomplishes the same result, is insufficient to distinguish over prior art.

MPEP § 2144.04(III).

Regarding claim 74, the claim is rejected for substantially the same reasons as claim 73.

Regarding claim 75, the claim is rejected for substantially the same reasons as claim 71.

Regarding claim 76, the claim is rejected for substantially the same reasons as claim 71.

Claims 17, 18, 20-31, 51-54, and 57-66 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Hans (U.S. Publication No. 2002/0120577) in view of RFC 959 (File

Transfer Protocol, Postel et al., October 1985).

Regarding claim 17, Hans teaches a method for processing requests for multi-media content

by at least one client workstation over the Internet (figures 3 and 5, where the users access digital

content stored on a remote content provider server) comprising the steps of:

generating at least one web page, wherein the web page includes a request for the multi-

media content (digital content) including at least one link specifying at least one linking server

(content manager 11), responsive to a user request, wherein the linking server enables a plurality of

formats to stream without having to deploy one or more reference files (paragraph [0026] where the

user selects the digital content using a web browser; paragraph [0022], where user requests are for

particular digital content that can be requested in different formats);

distributing said at least one web page to the at least one client workstation (user node 12)

over the Internet (paragraph [0026]);

receiving by the at least one linking server (content manager 11) the request from the at least

one client workstation (user node 12) for the mulit-media content (digital content) via the at least

one link (paragraph [0026] where the user selects the digital content using a web browser); and

generating another request by the at least one linking server (content manager 11) to stream

the multi-media content to said at least one client workstation (user node 12), said another request

automatically formatted to be in conformity at least with the format of the multi-media content

(paragraph [0029], where the access manager on content manager 11 authorizes the content provider

to transmit stream the digital content to user node 12 in the user-specified format).

Even if there were some reason that is currently unknown to the examiner that Hans'

content manager (11) was required to "deploy one or more reference files" this feature would be

obvious within the meaning of § 103. Deploying reference files is a known manual process. See,

e.g., Specification at 17 (developers create and manage reference files manually). So, removing the

need to "deploy one or more reference files" is merely providing an automatic means to replace a

manual activity, which accomplishes the same result. Providing an automatic means to replace a

manual activity, which accomplishes the same result, is insufficient to distinguish over prior art.

MPEP § 2144.04(III).

Hans does not expressly disclose *uploading the at least one of information and information services to*

the at least one server. Hans is silent regarding the particular details of how the digital content (i.e., the

information or information services) ends up on the content provider node (16).

Nonetheless, uploading files to their intended destination was notoriously well known in the

art, as evidenced by the File Transfer Protocol (FTP) disclosed in RFC 959 (the whole document).

FTP provides advantages such as providing users with a reliable and convenient means storing files

on different hosts (page 2, third paragraph). Accordingly, it would have been obvious to use such an

upload scheme in the instant case.

Regarding claim 18, Hans further teaches that said link specifying the media content and the

format associated therewith further includes a specification of said at least one linking server for

preprocessing the request (paragraph [0026]).   .

Regarding claim 20, Hans further teaches that said request does not expressly specify a

communications port of said at least one linking server (paragraph [0026]).

Regarding claim 21, Hans further teaches that said at least one linking server (content

manager 11) includes a database for recording each said request (paragraph [0027]).

Regarding claim 22, Hans further teaches that the linking server processes said request only if the requesting client pays for the requested media content (paragraph [0029]).

Regarding claim 23, Hans further teaches that the linking server processes said request only if the requesting client is authorized to receive the requested content (paragraph [0029]).

Regarding claim 24, Hans further teaches that the linking server hosts said conversion process for requests for media content in MP3 and MPEG formats (paragraph [0022]).

Regarding claim 25, Hans further teaches that said web pages are hosted on a web server, wherein said web server only serves requests for content consisting of web pages (paragraph [0026]).

Regarding claim 26, Hans further teaches that the media content is a MPEG or MP3 multimedia clip (paragraph [0022]).

Regarding claim 27, Hans further teaches that said link specifying the media content and the format associated therewith specifies one of a plurality of different formats (paragraph [0022]).

Regarding claim 28, Hans does not expressly disclose all the particular aspects of the server software running on the content manager (paragraph [0026]). Hans does not teach that the server software utilizes Microsoft ASP and VBScript. However, it was common knowledge in the art that Microsoft ASP and VBScript were well-known technologies used for hosting websites and that they provided advantages such as the ability to create dynamic and powerful Web-based solutions. It would have been obvious to one of ordinary skill in the art to use these technologies in the instant case for the same reasons.

Regarding claim 29, Hans further teaches that the at least one link conversion process is a plurality of link conversion processes (paragraph [0029]).

Regarding claim 30, Hans further teaches that the at least one linking server is such that a single server hosts a plurality of said at least one link conversion process and said single server

processes requests for a plurality of media formats corresponding to each link conversion process (paragraph [0029]).

Regarding claim 31, the claim is rejected for substantially the same reasons as claim 17.

Regarding claim 51, Hans teaches a system for optimizing the distribution of at least one of information and information services over a computer network (figures 3 and 5, where the users access digital content stored on a remote content provider server) comprising the steps of:

generating a web page, wherein the web page contains at least one link specifying a connection processor (content manager 11) (paragraph [0026] where the user selects the digital content using a web browser);

distributing the web page to at least one client workstation (user node 12) over the computer network (paragraph [0026]);

receiving over a computer network a request for at least one of information and information services (digital content), wherein the connection processor (content manager 11) receives the request for the at least one of information and information services (paragraph [0026] where the user selects the digital content using a web browser);

identifying the at least one of information and information services requested (paragraph [0029]);

generating other requests to satisfy the at least one of information and information services (paragraph [0029], where the access manager on content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format); and

transmitting said generated requests over the computer network to at least one of information and information services server (content provider 16) (paragraph [0029], where the

access manager on content manager 11 authorizes the content provider to transmit stream the digital

content to user node 12 in the user-specified format).

Hans does not expressly disclose *uploading the at least one of information and information services to*

the at least one server. Hans is silent regarding the particular details of how the digital content (i.e., the

information or information services) ends up on the content provider node (16).

Nonetheless, uploading files to their intended destination was notoriously well known in the

art, as evidenced by the File Transfer Protocol (FTP) disclosed in RFC 959 (the whole document).

FTP provides advantages such as providing users with a reliable and convenient means storing files

on different hosts (page 2, third paragraph). Accordingly, it would have been obvious to use such an

upload scheme in the instant case.

Regarding claim 52, Hans further teaches that the computer network is the Internet

(paragraph [0026]).

Regarding claim 53, Hans further teaches that the at least one information and information

services is streaming multi-media content (paragraph [0027]).

Regarding claim 54, Hans further teaches that the at least one information and information

services is media content (paragraph [0027]).

Regarding claim 57, Hans further teaches that said request for at least one of information

and information services does not expressly specify a communications port of said connection

processor (paragraph [0026]).

Regarding claim 58, Hans further teaches that said connection processor includes a database

for recording each request (paragraph [0027]).

Regarding claim 59, Hans further teaches that said connection processor processes said request for at least one of information and information services only if the requesting client pays for the requested at least one of information and information services (paragraph [0029]).

Regarding claim 60, Hans further teaches that the connection processor processes said request for at least one of information and information services only if the requesting client is authorized to receive the requested at least one of information and information services (paragraph [0029]).

Regarding claim 61, Hans teaches that the connection processor (content manager 11) hosts the conversion process for requests for at least one of information and information services in a plurality of formats including MP3, MPEG, and Windows Media™ formats (paragraph [0022]). Hans does not expressly state that the information and information services can be in RealNetworks™ or QuickTime™ formats. However, these formats were well known to one of ordinary skill in the art and would have been obvious to use here because RealNetworks formats provide access to files at different speeds and QuickTime formats provide seamless exchange of digital media between nearly all digital media tools.

Regarding claim 62, Hans further teaches that said web pages are hosted on a web server which only processes requests for web pages (paragraph [0026]).

Regarding claim 63, Hans further teaches that the at least one of information and information services an MPEG or MP3 clip (paragraph [0022]).

Regarding claim 64, Hans further teaches that the connection processor generates other requests for at least one of information and information services in a plurality of distinct formats (paragraph [0022]).

Regarding claim 65, Hans does not expressly disclose all the particular aspects of the server

software running on the content manager (paragraph [0026]). Hans does not teach that the server

software utilizes Microsoft ASP and VBScript. However, it was common knowledge in the art that

Microsoft ASP and VBScript were well-known technologies used for hosting websites and that they

provided advantages such as the ability to create dynamic and powerful Web-based business

solutions. It would have been obvious to one of ordinary skill in the art to use these technologies in

the instant case for the same reasons.

Regarding claim 66, Hans further teaches that the connection processor hosts a plurality of

processes for generating other requests in a plurality of distinct formats (paragraph [0026]).

Claims 69 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hans (U.S.

Publication No. 2002/0120577) in view of Kenner (U.S. Patent No. 6,421,726).

Regarding claim 69, Hans teaches a system for optimizing the distribution of at least one of

information and information services over a computer network (figures 3 and 5, where the users

access digital content stored on a remote content provider server) comprising:

at least one client workstation (user node 12), responsively interfaced to the computer

network wherein a link encoded web page is displayed and said at least one client workstation

enabling a user to select a link resulting in the transmission of a request over the computer network

for receiving the at least one of information and information services (paragraph [0026] where the

user selects the digital content using a web browser);

at least one connection processor (content manager 11) responsively interfaced to the

computer network and hosting at least one connection conversion process, wherein the connection

processor is a linking server enabling a plurality of formats to stream without having to deploy one

or more reference files and receives the request from at least one client workstation for the at least

one of information and information services and applying the at least one connection conversion

process to generate at least one other request for the at least one of information and information

services and transmit the at least one other request over the computer network (paragraph [0029],

where the access manager on content manager 11 authorizes the content provider to transmit stream

the digital content to user node 12 in the user-specified format); and

at least one server (content provider 16) responsively interfaced to the computer network

and hosting the at least one of information and information services, said at least one server

receiving the at least one other request to deliver at least one of information and information

services over the computer network to said at least one requesting client workstation (paragraph

[0029], where the access manager on content manager 11 authorizes the content provider to

transmit stream the digital content to user node 12 in the user-specified format).

Even if there were some reason that is currently unknown to the examiner that Hans'

content manager (11) was required to "deploy one or more reference files" this feature would be

obvious within the meaning of § 103. Deploying reference files is a known manual process. See,

e.g., Specification at 17 (developers create and manage reference files manually). So, removing the

need to "deploy one or more reference files" is merely providing an automatic means to replace a

manual activity, which accomplishes the same result. Providing an automatic means to replace a

manual activity, which accomplishes the same result, is insufficient to distinguish over prior art.

MPEP § 2144.04(III).

Hans does not expressly disclose that the at least one other request is *responsive to the*

requirements of a dynamic resource distribution optimization program responsive to changes in network demand for the

at least one of information and information services. Hans is silent regarding the particular details of how

the content manager (11) chooses the content provider node (16).

Nonetheless, it was well known in the art to dynamically select an appropriate server to serve

multimedia files (or other types of files) responsive to changes in network demand for the files, as

evidenced by Kenner (e.g., column 5, line 63 – column 6, line 18). Kenner's dynamic selection

scheme provides advantages such as reducing overall network congestion (column 6, line 14).

Therefore, it would be obvious to dynamically select appropriate servers in the same manner in the

instant case as well.

Claim 70 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hans (U.S.

Publication No. 2002/0120577) in view of RFC 959 (File Transfer Protocol, Postel et al.,

October 1985) and Kenner (U.S. Patent No. 6,421,726).

Regarding claim 70, Hans teaches a system for optimizing the distribution of at least one of

information and information services over a computer network (figures 3 and 5, where the users

access digital content stored on a remote content provider server) comprising the steps of:

generating a web page, wherein the web page, responsive to a user request, contains at least

one link specifying a connection processor (content manager 11), and encoding at least one of

information and information services display (paragraph [0026] where the user selects the digital

content using a web browser; paragraph [0022], where user requests are for particular digital content

that can be requested in different formats);

distributing the at least one web page over the computer network (paragraph [0026]);

receiving, over a computer network, a request for at least one of information and

information services, wherein said receiving the request for the at least one of information and

information services is performed by a connection processor (content manager 11), wherein the

connection processor is a linking server enabling a plurality of formats to stream without having to

deploy one or more reference files (paragraph [0026] where the user selects the digital content using

a web browser);

generating at least one of another request for the at least one of information and information

services (paragraph [0029], where the access manager on content manager 11 authorizes the content

provider to transmit stream the digital content to user node 12 in the user-specified format); and

transmitting said generated requests over the computer network to at least one server

(content provider 16) (paragraph [0029], where the access manager on content manager 11

authorizes the content provider to transmit stream the digital content to user node 12 in the user-

specified format).

Even if there were some reason that is currently unknown to the examiner that Hans'

content manager (11) was required to "deploy one or more reference files" this feature would be

obvious within the meaning of § 103. Deploying reference files is a known manual process. See,

e.g., Specification at 17 (developers create and manage reference files manually). So, removing the

need to "deploy one or more reference files" is merely providing an automatic means to replace a

manual activity, which accomplishes the same result. Providing an automatic means to replace a

manual activity, which accomplishes the same result, is insufficient to distinguish over prior art.

MPEP § 2144.04(III).

Hans does not expressly disclose *uploading the at least one of information and information services to*

the at least one server. Hans is silent regarding the particular details of how the digital content (i.e., the

information or information services) ends up on the content provider node (16).

Nonetheless, uploading files to their intended destination was notoriously well known in the art, as evidenced by the File Transfer Protocol (FTP) disclosed in RFC 959 (the whole document). FTP provides advantages such as providing users with a reliable and convenient means storing files on different hosts (page 2, third paragraph). Accordingly, it would have been obvious to use such an upload scheme in the instant case.

Hans does not expressly disclose that the at least one other request is *responsive to the requirements of a dynamic resource distribution optimization program responsive to changes in network demand for the at least one of information and information services* or *uploading the at least one of information and information services to the at least one server.* Hans is silent regarding the particular details of how the content manager (11) chooses the content provider node (16).

Nonetheless, it was well known in the art to dynamically select an appropriate server to serve multimedia files (or other types of files) responsive to changes in network demand for the files, as evidenced by Kenner (e.g., column 5, line 63 – column 6, line 18). Kenner's dynamic selection scheme provides advantages such as reducing overall network congestion (column 6, line 14). Therefore, it would be obvious to dynamically select appropriate servers in the same manner in the instant case as well.

Claims 3 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hans (U.S. Publication No. 2002/0120577) in view of Stewart (U.S. Publication No. 2002/0087707).

Regarding claim 3, Hans teaches the system of claim 1, and that the users can select the digital content by connecting to a web site hosted by the content manager in a conventional manner (paragraph [0026]). The conventional manner of specifying return links is to not expressly specify

ports. Nonetheless, it was well known in the art to expressly use a non-default port, as evidenced by

Stewart. In a similar art, Stewart teaches a web site that connects clients to a non-default port

(paragraph [0049]). Given the teachings of Stewart, it would have been obvious to one of ordinary

skill in the art to do so in the instant case for any of the advantages that Stewart discloses such as

conveniently providing a different look and feel, etc. (paragraph [0049]).

Regarding claim 39, the claim is rejected using the same rationale as claim 3.

Claims 19 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hans (U.S. Publication No. 2002/0120577) in view of RFC 959 (File Transfer Protocol,

Postel et al., October 1985), and further in view of Stewart (U.S. Publication No.

2002/0087707).

Regarding claim 19, Hans and RFC 959 teach the method as applied to claim 17 above.

Hans further teaches that the users can select the digital content by connecting to a web site hosted

by the content manager in a conventional manner (paragraph [0026]). The conventional manner of

specifying return links is to not expressly specify ports. Nonetheless, it was well known in the art to

expressly use a non-default port, as evidenced by Stewart. In a similar art, Stewart teaches a web site

that connects clients to a non-default port (paragraph [0049]). Given the teachings of Stewart, it

would have been obvious to one of ordinary skill in the art to do so in the instant case for any of the

advantages that Stewart discloses such as conveniently providing a different look and feel, etc.

(paragraph [0049]).

Regarding claim 56, Hans and RFC 959 teach the method as applied to claim 51 above. The

claim is rejected using the same rationale as claim 19.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kocherlakota (U.S. Publication No. 2004/0236844) teaches:

client workstations (clients 11, 13, 15, and 16) that requests multi-media files and specify a requested format (paragraph [0010]);

a request server (request server 19) hosting a link conversion process that communicates other requests formatted in conformity with the format of the multi-media content to a scheduler for receiving the multi-media files (paragraph [0025]); and

streaming multi-media servers (signal sources 31-37) storing the multi-media content, and responsive to the another request received from the request server delivering the multi-media content over the Internet to the client workstations (figure 7).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Philip S. Scuderi whose telephone number is (571) 272-5865. The examiner

can normally be reached on Monday-Friday 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for the organization

where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PS

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